

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0223/P1dn
EVM:bjk:ph

October 9, 2008

ATTN: Summer R. Shannon-Bradley

Please review the attached draft carefully to ensure that it is consistent with your intent. I am providing a list of potential issues that may require additional clarification or change depending upon your intent in requesting this draft.

1. Article IV, section 18 of the Wisconsin Constitution provides that “[n]o private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title.” A provision in an act that violates this requirement may be found unconstitutional. This draft is a “local measure” in that it applies to only two specific portions of the state. It is possible that the treatment of two different environmental remediation tax incremental districts (ERTIDs) could constitute two subjects under the Wisconsin Constitution. If you are concerned about this potential issue, this bill could be drafted as two separate bills.

2. There is some lack of clarity in the language provided by Arthur Harrington regarding the titles of the affected ERTIDs. The following titles have been used in this draft, generally following the usage of Atty. Harrington. Please review these titles to ensure that they accurately identify the ERTIDs you'd like to effect.

a. The donor district in Cudahy – “environmental remediation tax incremental district number one in the city of Cudahy.”

b. The recipient district in Cudahy – “environmental remediation tax incremental district number two in the city of Cudahy.” Please note, if this district does not yet exist, you may wish to ensure that the title used in this draft will reflect the title that will ultimately be given to this district.

c. The donor district in Oak Creek – “environmental remediation tax incremental district number one in the city of Oak Creek.”

d. The recipient district in Oak Creek – “another environmental remediation tax incremental district that is located within the city of Oak Creek.”

3. The creation of an ERTID requires several steps, including: 1) the adoption of a resolution by the governing body of a political subdivision; 2) review of the proposal by a joint review board; 3) application to and certification by the Department of Revenue. This draft would allow a political subdivision, solely upon adoption of a resolution by

the governing body of that political subdivision, to continue the collection of tax increments from an ERTID that would have otherwise expired. Let me know if you wish to provide for additional or different procedures to effectuate the requested extension of tax increment collection.

Please let me know if you would like any other changes made to the draft or if you have any questions.

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